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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,579	10/03/2000	Daniel A. Japuntich	48317USA3H.027	7369

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EXAMINER

THANH, QUANG D

ART UNIT PAPER NUMBER

3771

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsive Amendment***

1. The amendment filed on 10/5/2006 , canceling all claims drawn to the elected invention and presenting only new claims 72-82 drawn to an invention that is independent or distinct from the invention originally claimed, is non-responsive (MPEP § 821.03).

2. The newly submitted claims 72-82 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 33-71, drawn to a filtering face mask, classified in class 128, subclass 206.12.
- II. Claims 72-82, drawn to a method of making a filtering face mask, classified in class 128, subclass 898.

3. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case , the process as claimed of group II can be used to make another and materially different product having elements that are not required in the product of group I.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 72-82 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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4. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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